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AN ACT

RELATING TO EDUCATION; AMENDING THE DEFINITIONS OF "EDUCATION TECHNOLOGY" AND "EDUCATION TECHNOLOGY EQUIPMENT".

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 6-15A-3 NMSA 1978 (being Laws 1997, Chapter 193, Section 3, as amended) is amended to read:

"6-15A-3. DEFINITIONS.--As used in the Education Technology Equipment Act:

A. "debt" means an obligation payable from ad valorem property tax revenues or the general fund of a school district and that may be secured by the full faith and credit of a school district and a pledge of its taxing powers;

B. "education technology equipment" means tools used in the educational process that constitute learning and administrative resources and may include:

- (1) closed-circuit television systems;
- (2) educational television and radio broadcasting and cable television;
- (3) satellite, copper wire and fiber-optic transmission;
- (4) network connection devices and digital communications equipment, including voice, video and data equipment;

1 (5) computer hardware and software,
2 including software licenses, data storage fees and other
3 technologies and services;

4 (6) local and remote servers;

5 (7) other computer infrastructure;

6 (8) portable media such as discs and drives
7 to contain data for electronic storage and playback;

8 (9) maintenance equipment;

9 (10) any other techniques and tools used to
10 implement technology in schools and related facilities; and

11 (11) improvements, alterations and
12 modifications to, or expansions of, existing buildings or
13 personal property necessary or advisable to house or
14 otherwise accommodate any of the tools listed in this
15 subsection;

16 C. "lease-purchase arrangement" means a financing
17 arrangement constituting debt of a school district pursuant
18 to which periodic lease payments composed of principal and
19 interest components are to be paid to the holder of the
20 lease-purchase arrangement and pursuant to which the owner of
21 the education technology equipment may retain title to or a
22 security interest in the equipment and may agree to release
23 the security interest or transfer title to the equipment to
24 the school district for nominal consideration after payment
25 of the final periodic lease payment. "Lease-purchase

1 arrangement" also means any debt of the school district
2 incurred for the purpose of acquiring education technology
3 equipment pursuant to the Education Technology Equipment Act
4 whether designated as a general obligation lease, note or
5 other instrument evidencing a debt of the school district;

6 D. "local school board" means the governing body
7 of a school district; and

8 E. "school district" means an area of land
9 established as a political subdivision of the state for the
10 administration of public schools and segregated
11 geographically for taxation and bonding purposes."

12 SECTION 2. Section 22-15A-2 NMSA 1978 (being Laws 1994,
13 Chapter 96, Section 2) is amended to read:

14 "22-15A-2. DEFINITIONS.--As used in the Technology for
15 Education Act:

16 A. "bureau" means the education technology bureau
17 in the department;

18 B. "chief" means the chief of the bureau;

19 C. "council" means the council on technology in
20 education; and

21 D. "education technology" means:

22 (1) equipment and tools used in the
23 educational process that constitute learning and
24 administrative resources to implement education technology in
25 classrooms, library and media centers and other learning

1 environments and may include:

2 (a) closed-circuit television systems;

3 (b) educational television and radio
4 broadcasting and cable television;

5 (c) satellite, copper wire and
6 fiber-optic transmission;

7 (d) network connection devices and
8 digital communications equipment, including voice, video and
9 data equipment;

10 (e) computer hardware and software,
11 including software licenses, data storage fees and other
12 technologies and services;

13 (f) local and remote servers;

14 (g) other computer infrastructure;

15 (h) portable media such as discs and
16 drives to contain data for electronic storage and playback;

17 (i) maintenance equipment; and

18 (j) any other techniques and tools used
19 to implement technology in schools and related facilities;
20 and

21 (2) improvements, alterations and
22 modifications to, or expansions of, existing buildings or
23 personal property necessary or advisable to house or
24 otherwise accommodate any of the equipment and tools listed
25 in Paragraph (1) of this subsection."

1 SECTION 3. Section 22-25-2 NMSA 1978 (being Laws 1975
2 (S.S.), Chapter 5, Section 2, as amended) is amended to read:

3 "22-25-2. DEFINITIONS.--As used in the Public School
4 Capital Improvements Act:

5 A. "program unit" means the product of the program
6 element multiplied by the applicable cost differential
7 factor, as defined in Section 22-8-2 NMSA 1978;

8 B. "capital improvements" means expenditures,
9 including payments made with respect to lease-purchase
10 arrangements as defined in the Education Technology Equipment
11 Act or the Public School Lease Purchase Act but excluding any
12 other debt service expenses, for:

13 (1) erecting, remodeling, making additions
14 to, providing equipment for or furnishing public school
15 buildings;

16 (2) purchasing or improving public school
17 grounds;

18 (3) maintenance of public school buildings
19 or public school grounds, including the purchasing or
20 repairing of maintenance equipment and participating in the
21 facility information management system as required by the
22 Public School Capital Outlay Act and including payments under
23 contracts with regional education cooperatives for
24 maintenance support services and expenditures for technical
25 training and certification for maintenance and facilities

1 management personnel, but excluding salary expenses of school
2 district employees;

3 (4) purchasing activity vehicles for
4 transporting students to extracurricular school activities;
5 or

6 (5) purchasing and installing education
7 technology; provided that expenditures pursuant to this
8 paragraph shall not exceed thirty percent of the total
9 revenue received from the annual levy; and

10 C. "education technology" means:

11 (1) equipment and tools used in the
12 educational process that constitute learning and
13 administrative resources and may include:

14 (a) closed-circuit television systems;

15 (b) educational television and radio
16 broadcasting and cable television;

17 (c) satellite, copper wire and
18 fiber-optic transmission;

19 (d) network connection devices and
20 digital communications equipment, including voice, video and
21 data equipment;

22 (e) computer hardware and software,
23 including software licenses, data storage fees and other
24 technologies and services;

25 (f) local and remote servers;

1 (g) other computer infrastructure;
2 (h) portable media such as discs and
3 drives to contain data for electronic storage and playback;
4 (i) maintenance equipment; and
5 (j) any other techniques and tools used
6 to implement technology in schools and related facilities;
7 and

8 (2) improvements, alterations and
9 modifications to, or expansions of, existing buildings or
10 personal property necessary or advisable to house or
11 otherwise accommodate any of the equipment and tools listed
12 in Paragraph (1) of this subsection."

13 SECTION 4. Section 22-26-2 NMSA 1978 (being Laws 1983,
14 Chapter 163, Section 2, as amended) is amended to read:

15 "22-26-2. DEFINITIONS.--As used in the Public School
16 Buildings Act:

17 A. "capital improvements" means expenditures,
18 including payments made with respect to lease-purchase
19 arrangements as defined in the Education Technology Equipment
20 Act but excluding any other debt service expenses, for:

21 (1) erecting, remodeling, making additions
22 to, providing equipment for or furnishing public school
23 buildings;

24 (2) payments made pursuant to a financing
25 agreement entered into by a school district or a charter

1 school for the leasing of a building or other real property
2 with an option to purchase for a price that is reduced
3 according to payments made;

4 (3) purchasing or improving public school
5 grounds;

6 (4) purchasing activity vehicles for
7 transporting students to and from extracurricular school
8 activities; provided that this authorization for expenditure
9 does not apply to school districts with a student MEM greater
10 than sixty thousand;

11 (5) administering the projects undertaken
12 pursuant to Paragraphs (1) and (3) of this subsection,
13 including expenditures for facility maintenance software,
14 project management software, project oversight and district
15 personnel specifically related to administration of projects
16 funded by the Public School Buildings Act; provided that
17 expenditures pursuant to this subsection shall not exceed
18 five percent of the total project costs; and

19 (6) education technology; provided that
20 expenditures pursuant to this paragraph shall not exceed
21 thirty percent of the total revenue received from the annual
22 levy; and

23 B. "education technology" means:

24 (1) equipment and tools used in the
25 educational process that constitute learning and

1 administrative resources and may include:

2 (a) closed-circuit television systems;

3 (b) educational television and radio
4 broadcasting and cable television;

5 (c) satellite, copper wire and
6 fiber-optic transmission;

7 (d) network connection devices and
8 digital communications equipment, including voice, video and
9 data equipment;

10 (e) computer hardware and software,
11 including software licenses, data storage fees and other
12 technologies and services;

13 (f) local and remote servers;

14 (g) other computer infrastructure;

15 (h) portable media such as discs and
16 drives to contain data for electronic storage and playback;

17 (i) maintenance equipment; and

18 (j) any other techniques and tools used
19 to implement technology in schools and related facilities;
20 and

21 (2) improvements, alterations and
22 modifications to, or expansions of, existing buildings or
23 personal property necessary or advisable to house or otherwise
24 accommodate any of the equipment and tools listed in Paragraph
25 (1) of this subsection." _____